

FILED & JUDGMENT ENTERED

Steven T. Salata

Aug 02 2016

Clerk, U.S. Bankruptcy Court
Western District of North Carolina




J. Craig Whitley
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN THE MATTER OF:

**NAME: MITCHELL, DANIEL RAY
MITCHELL, BETTY WALLS**

**CHAPTER 13 NO. 11-40809
OUR FILE NO. 13504**

**ADDRESS: 457 GANNTS GROVE CHURCH RD.
MOORESBORO, NC 28114**

SSN: --- - 0290 & --- - 3020

DEBTOR(S).

**ORDER APPROVING REVERSE MORTGAGE LOAN AND AUTHORITY TO USE PORTION
OF PROCEEDS
TO PAYOFF THE BALANCE OWED**

THIS CAUSE coming on to be heard, and being heard, before the undersigned Judge presiding over the United States Bankruptcy Court for the Western District of North Carolina, Shelby Division pursuant to a motion to approve reverse mortgage loan and authority to use portion of proceeds to payoff the balance owed; and

IT APPEARING to the undersigned that this court has jurisdiction over the parties and over the subject matter of this motion; and

IT FURTHER APPEARING to the undersigned that all parties of interest were duly served and that no parties filed any response and/or objection and a hearing was held on this matter on July 29, 2016 and the motion was allowed; and

IT FURTHER APPEARING to the undersigned that the relief requested by the debtor(s) in their motion is consistent with the applicable provisions of Title 11 of the United States Code and that the debtor(s) have established good and sufficient cause to grant said relief; and

IT FURTHER APPEARING to the undersigned that the proposed reverse mortgage loan in the Home Equity Conversion Mortgage (HECM) Loan Program provided by American Advisors Group (“AAG”) in the amount of \$69,174.00 at an initial interest rate of 3.185% with total estimated settlement charges of \$8,274.15 to be paid from the \$69,174.00 loan, leaving approximately \$60,899.85 after the settlement charges are paid is approved; and

IT FURTHER APPEARING to the undersigned that the \$60,899.85 will be used to pay off the approximately \$3,135.00 owed to pay off the bankruptcy plan. The remaining \$57,764.85 will be used to pay direct to the debtors post-discharge. Any additional money that remains will be distributed to the debtors post-discharge in the form of either tax free income, an established line of credit, or in a lump sum payment in order to pay living expenses; and

IT FURTHER APPEARING to the undersigned that the said reverse mortgage loan commitment will be for a term of “TENURE”, with an initial interest rate of 3.185%. In this case “TENURE” means that the loan will last until both of the debtors pass away. While the loan lasts the debtors will not make any mortgage payments. However, once the debtors pass the beneficiaries of their mortgage will be responsible for paying off the loan to AAG; and

IT FURTHER APPEARING to the undersigned that in the event the debtors are not able to secure approval of the loan from the specified lender identified herein then the debtors are requesting the court to approve this motion for new reverse mortgage loan by any party on the same general terms and conditions as provided for herein; and

IT FURTHER APPEARING to the undersigned that the attorney for the debtors be granted an additional non-base legal fee of \$350.00 and expenses of \$138.00, said fee and expenses to be paid directly by the debtors from the loan proceeds at the closing; and

IT FURTHER APPEARING to the undersigned that the debtors move the Court for such other and additional relief as to the Court may seem just and proper.

IT IS THEREFORE SO ORDERED.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court